IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

JAIME LOPEZ COMPOSANO §

v. § CIVIL ACTION NO. 6:16cv1052

DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Petitioner Jaime Composano, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his conviction. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Composano was convicted of murder and aggravated assault on November 20, 2014, receiving concurrent sentences of 50 and 20 years. He did not take a direct appeal, but filed a state habeas corpus application on July 22, 2015. This application was denied without written order by the Texas Court of Criminal Appeals on October 14, 2015.

Composano filed a second state habeas corpus application on April 6, 2016. This application was dismissed as successive on July 8, 2016. He signed his federal habeas corpus petition on July 14, 2016.

The Respondent was ordered to answer the petition and filed a response arguing that Composano's petition is barred by the statute of limitations. Composano did not file a reply to this response.

After review of the pleadings, the Magistrate Judge issued a Report recommending that

Composano's petition be denied based on the expiration of the statute of limitations. Composano

received a copy of this Report on April 10, 2017, but has filed no objections thereto; accordingly,

he is barred from de novo review by the District Judge of those findings, conclusions, and

recommendations and, except upon grounds of plain error, from appellate review of the unobjected-

to proposed factual findings and legal conclusions accepted and adopted by the district court.

Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge.

Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. See

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is

"clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 18) is **ADOPTED** as the

opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is **DISMISSED**

WITH PREJUDICE. It is further

ORDERED that the Petitioner Jaime Composano is **DENIED** a certificate of appealability

sua sponte. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby

DENIED.

So ORDERED and SIGNED this 15 day of June, 2017.

Ron Clark, United States District Judge

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